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Paper No. 10

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In re Application of	:	
Tongbi Jiang	:	DECISION ACCEPTING
Application No. 09/365,356	:	PAPERS PURSUANT TO
Filed: July 30, 1999	:	37 C.F.R. § 1.8(b)
Attorney Docket No. 500182.01	:	

This is a response to the communication filed April 26, 2001, via facsimile transmission, and supplemented May 9, 2001, which is treated as a request to accept papers as being timely filed pursuant to 37 C.F.R. § 1.8(b) for the above-identified-application.

The request is GRANTED.

A non-final Office action was mailed October 4, 2000, setting a three-month shortened statutory period for filing a response. In the apparent absence of a response, a telephone call was made by the examiner of record to inquire whether a response has been submitted. Requester/applicant asserted that a response was timely filed.

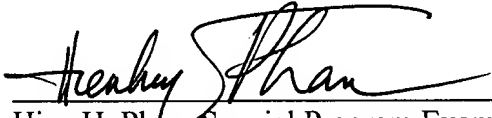
In support of the assertion that a response was timely filed, petitioner submitted the following papers as evidence of timely submission: 1) a copy of a response entitled "AMENDMENT" which bears a Certificate of Mailing under 37 C.F.R. § 1.8(a) dated January 4, 2001, 2) a copy of a self-addressed postcard for use as receipt, and 3) a statement in support of the petition under 37 C.F.R. § 1.8(b) signed by Cheryl Ammerlahn. The Certificate of Mailing dated January 4, 2001, would have made the response timely if received in the Patent and Trademark Office.

The file record does not include the originally submitted papers.

The request satisfies the conditions for accepting a response filed using a certificate of transmission under 37 C.F.R. § 1.8(a) but not received by the USPTO. Accordingly, the request is granted.

The copy of the response submitted on April 26, 2001 with the request is accepted since the USPTO apparently did not receive the response originally submitted.

The application filed is being forwarded to the technical support staff for entry of the amendment. From there, the file will be returned to the examiner for further examination.

A handwritten signature in black ink, appearing to read "Hien H. Phan", is written over a horizontal line.

Hien H. Phan, Special Program Examiner  
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